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ART UNIT	PAPER NUMBER

2122

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

[Signature]
1- File Copy

Office Action Summary

Application No.

08/387,747

Applicant(s)

Michel K. Bowman-Amuah

Examiner

Todd Ingberg

Group Art Unit

2122



☒ Responsive to communication(s) filed on Sep 5, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claims 1 - 15 remain rejected.

Claims 16-20 have been added.

Claim Objections

1. Claim 19 is objected to because of the following informalities: the word "on" is interpreted to be "one". Appropriate correction is requested if this is in fact a minor typing error.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant claims a standard but fails to identify the standard being enforced.
4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the term "credit card" is not used with in the normal definition of the term credit card. In the event the Applicant means to say a security card with is MICR encoded the Specification should be altered to reflect this. The case law of *In re Fine* does allow Applicants to be lexicographers but requires a lexicon when using terms that already have an established

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meaning. In the event a Specification change is made in this matter it is highly unlikely it would be viewed as new matter merely a clarification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 - 15 remain rejected under the same grounds as cited in prior action. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 16 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Continuous Software Corporations product Continuous™ released in 1997 in view of a prior release of Continuous Software Corporations product Continuous™ version 4.1 released in 1996.

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The documentation set for this product is as follows:

Continuus/CM Live ! From Planning to Production (refereed to as **LIVE**)

Continuus/PT Problem Tracking Task Reference (refereed to as **PT**)

Continuus/CM Task Based CM (refereed to as CM) - Not Used in this Action.

Continuus/DCM Distributed CM (refereed to as DCM) - Not Used in this Action.

The documentation set from the version 4.1 is as follows:

Introduction to Continuus/CM (referred to as **Intro**)

Administration Handbook (referred to as **Admin**)

Learning Guide for Developers (Referred to as Learn)

Task Reference (Referred to as Task).

Command Reference (Referred to as Command)

ObjectMake Guide (Referred to as Make).

Claim 16

Continuus as per claim 1 teaches a method as recited in claim 1, wherein managing the information includes allowing a first user to access information input by other users working on a task (**Intro**, page 43, see ability to check in and out sequentially and parallel). Continuus version 4.1 taught the limitation of versioning objects and porjects and allowing users to checkout work in sequence or parallel. Therefore, it would have been obvious to one of ordinary skill at the time of invention to enable users to be able to checkout objects/projects and work in parrellel because

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“Projects and products are versioned according to your role and how the name limit keyword is set for a Continuus/CM database”(Intro, page 43).

Claim 17

A method as recited in claim 1, wherein governing the environment includes at least one of specifying a role, the task, and relationships of individuals individuals (Intro, page 43); specifying a Workflow, routing cases, exception handling, assignment of cases to roles, assignment of cases to individuals (Intro, page 43), and assignment based on priority.

Claim 18

A method as recited in claim 1, wherein handling security of the development architecture framework includes: alerting an administrator of an unauthorized intrusion attempt into a network, informing the user of the unauthorized intrusion attempt into the network upon detection, preventing access to the network; confirming identities of credit card users during transactions conducted utilizing the network, overseeing the transmission of information content, preventing the transmission of the information if the content does not meet with established standards, and encrypting electronic mail prior to the transmission utilizing the network.

Official Notice is taken with the following limitations.

Network intrusion detection tend to be a feature of an operating system. It is old and well known that operating systems such as NT, UNIX and VAX VMS have intrusion detection systems. Therefore, it would have been old and well known for one of ordinary skill in the art to utilize intrusion alerting features, because intrusion detection adds security to a system.

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Use of software that performs *checks such as protocol/ cyclic redundancy checks (CRCs)* is old and well known and would have been obvious to one of ordinary skill at the time of invention because they ensure proper data transmission.

Use of *encryption with email* is also old and well known and provided with many Commercial Off the Shelf (COTS) products and would have been obvious to one of ordinary skill because encryption techniques are well known to be used to ensure secure data transmission.

Note: the Use of credit cards was objected to as noted above. However, the use of *security badges with card readers* is old and well known and would have been obvious to one of ordinary skill in the art at the time of invention because they add physical security.

Claim 19

A method as recited in claim 1, wherein managing the information includes standards and procedures (as per claim 1)that specify at least one of- tasks, expected and maximum duration of each task, decision points, how the tasks fit together to form a Workflow, routing of work depending on the issue, roles, roles associated with tasks, individual roles individuals (**Intro**, page 43), and priority of cases.

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9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Continuus Software Corporations product Continuus™ released in 1997 and version 4.1 released in 1996 in view of Microsoft's User's Guide for Microsoft Project for Windows 95 and Windows 3.1, Plan Manage and Communicate with Ease, version 4.1 released 1995 (referred to as **Microsoft**).

The documentation set for this product is as follows:

Continuus/CM Live ! From Planning to Production (refereed to as **LIVE**)

Continuus/PT Problem Tracking Task Reference (refereed to as **PT**)

Continuus/CM Task Based CM (refereed to as CM) - Not Used in this Action.

Continuus/DCM Distributed CM (refereed to as DCM) - Not Used in this Action.

The documentation set from the version 4.1 is as follows:

Introduction to Continuus/CM (referred to as **Intro**)

Administration Handbook (referred to as **Admin**)

Learning Guide for Developers (Referred to as Learn)

Task Reference (Referred to as Task).

Command Reference (Referred to as Command)

ObjectMake Guide (Referred to as Make).

Claim 20

Continuus teaches a method for designing, implementing, and maintaining a development architecture framework (**LIVE**, page 7, Overview) comprising the steps of :

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(a) managing information that supports a project being carried out by a development architecture framework, wherein managing information includes:

allowing common information that is used by a plurality of components of a system to be accessed in a single, shared repository (**LIVE**, page 18, first paragraph) , storing unique information that is unique to the components of the system in corresponding designated folders, and managing media content communicated in the system based on metadata thereof (**LIVE**, page 38-39, the concept of Project and checking in and out as described throughout the Continuous product documentation) ;

(b) handling security of the development architecture framework by defining security requirements and auditing the development architecture framework to ensure that the security requirements are met, wherein handling security includes: detecting unauthorized attempts to access a network, notifying a user upon detection of at least one of the unauthorized attempts to access the network, restricting access from the network to a separate wide area network, verifying identities of users of credit cards during transactions carried out over the network, monitoring content of information transmittal, preventing transmittal of information if the content does not adhere to standards, and encrypting the electronic mail before transmission utilizing a network;

Official Notice is taken with the following limitations.

Network intrusion detection tend to be a feature of an operating system. It is old and well known that operating systems such as NT, UNIX and VAX VMS have intrusion detection systems.

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Therefore, it would have been old and well known for one of ordinary skill in the art to utilize intrusion alerting features, because intrusion detection adds security to a system.

Use of software that performs *checks such as protocol/ cyclic redundancy checks (CRCs)* is old and well known and would have been obvious to one of ordinary skill at the time of invention because they ensure proper data transmission.

Use of *encryption with email* is also old and well known and provided with many Commercial Off the Shelf (COTS) products and would have been obvious to one of ordinary skill because encryption techniques are well known to be used to ensure secure data transmission.

Note: the Use of credit cards was objected to as noted above. However, the use of *security badges with card readers* is old and well known and would have been obvious to one of ordinary skill in the art at the time of invention because they add physical security.

(c) ensuring quality of the project being carried out by the development architecture framework (Live pages 90 - 91, types of testing), wherein ensuring quality includes: defining a plurality of metrics for providing an objective standard of rating quality of a system (LIVE, page 68, Adding Attribute, a popular metric), employing statistics to analyze the rating of the quality of the system, implementing continuous improvement of the system based on the analysis of the rating, and providing training to facilitate the continuous improvement of the system(Admin, page 110, tutorial database);

(d) managing the project being carried out by the development architecture framework by generating a plan to carry out the project, scheduling a timeline for executing the plan, tracking

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the execution of the plan, and reporting information uncovered during tracking (**Microsoft**, Chapter 1, The Planning Process, page 3);

(e) governing an environment in which the project is carried out by the development architecture framework, wherein governing the environment includes:

managing service of a system based on at least one of service level agreements and operations level agreements, performing a plurality of system management operations selected from the group of system management operations consisting of start-up and shut-down operations, back-up and restore operations, archiving operations, security operations, and performance monitoring operations,

Official Notice is taken that is old and for system management operations to include but not be limited to licensing, start-up, shut-down operations, backup and restore, archiving, security operations, monitoring operations as part of the operating system. Therefore it would have been obvious to one of ordinary skill in the art

and planning service in order to anticipate and implement changes in the system (**Admin**, page 129- 131, problem tracking) ; coordinating the delivery of components of the project in a selected order (**LIVE**, page 8, Build managers) ;

(g) rectifying problems that occur during the delivery of the components of the project, wherein rectifying problems includes: receiving incidents from users, informing users of known work-around where possible, ensuring that support personnel are working on an incident, keeping users informed of incident resolution progress, ensuring that incidents do not get lost as they are

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passed around support teams, and informing users when incidents have been resolved, and ensuring resolution is complete (**Admin**, page 129- 131, problem tracking); and

(h) maintaining updated support information during the delivery of the components of the project (**Microsoft**, page Chapter 6, Evaluating Your Schedule, page 50). Continuous is a well established project tool that provides a powerful configuration management tool and Microsoft Project is a very well known project planner and tracker tool. It would have been obvious to one of ordinary skill at the time of invention to combine the teachings of these two commercial tools because tracking projects makes them more efficient.

Response to Arguments

10. Applicant's arguments filed September 15, 2000 have been fully considered but they are not persuasive.

A. *Examiner's response*, Applicant's response as to the submission of formal drawings upon receipt of a Notice of Allowance is a good plan.

B. *Examiner's response*, Applicant's argument that the rejection of "claims 1- 15 are anticipated by Continuous Software Corporations product Continuous (TM) released in 1997. Respectfully, this is error." Is not shared by the Examiner. In fact, the Examiner interprets the claim language to be at a very high level and as pointed out in the prior office action, lacking antecedent basis as a Workflow system. This comment was deliberately made because the claim language under it's broadest reasonable interpretation failed to distinguish itself as a Workflow system and is rejectable by the prior art of record.

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C. Examiner's response, Applicant's argument that the claimed invention seeks patent protection for "ensuring that the project's knowledge capital and information resources are managed effectively so that integrity, accessibility, and quality and consistency are ensured.", only further the point that the claimed invention is grossly broad and subject to broad interpretation. The claims fail to provide limitations as to "How" the invention is to perform such concepts. The prior art of record easily is able to be interpreted to cover such high level concepts.

D. Examiner's response, Applicant's attempt to state the information present is further limited by "Management of such information includes Information management also includes managing the resources of other management processes. " is also very broad and treated accordingly.

Examiner's response, Applicant states " Nowhere in managing the project structure does LIVE address access to information, or quality and consistency of the information. " as if a tool that also performs configuration management does not support such features. Examiner disagrees.

F. Examiner's response, Applicant also make statements for the record that the commercial product Continuum, a product of Continuum Software Corporation does not support a repository. Yet the tools supports configuration management, as if a CM tool would not have repositories and can perform a build without a repository. Examiner rejects this notion.

G. Element "b" of claim I recites handling security of the development architecture framework by defining security requirements and auditing the development architecture framework to ensure that the security requirements are met. LIVE merely recites that security and access control are stored on a development model on a per-database basis. Nowhere in the security section are

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security requirements defined nor is anything related to auditing, to ensure that these requirements are met, mentioned.

Examiner's response is the Applicant's argues more limitations than are found in the claim language. Under the broadest reasonable interpretation the rejection is proper.

H. Applicant's broad limitation of "ensuring quality of the project being carried out by the development architecture framework by obtaining measurements relating to predetermined criterion of the project." was also reasonably interpreted by the rejection and the Applicant's argument is not persuasive.

Examiner's response, to Applicant's statement that "Measurements are taken utilizing metrics. These measurements are associated with an objective quality rating of a system. The quality rating relates to both process and product. Note the instant specification starting on page 114. LIVE fails to recite obtaining 10 measurements of any type or an objective quality rating of a system.". The term quality rating is grossly broad and treated accordingly and the LIVE product also uses metrics. When taking the reference as a whole one would see the references such as LIVE page 68, "Adding Attribute".

Examiner's response, to Applicant's statement of "Further recited in element "c" of claim 1 is statistically analyzing the measurements. The analysis of these measurements reveals display trends.". The Applicant again is arguing unclaimed subject matter.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., trend analysis)

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are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner's response, to “ Note the instant specification starting on page 115. Continuus/PT Problem Tracking Task Reference (referred to as PT) generates a report 15 on the problems associated with the product. The report includes, among other things, a problem number, product name, and a problem synopsis. The report is merely a summary of inputs by the user. Nowhere in this section is it suggested that these inputs are analyzed.” The exact definition of analysis is very broad. Obviously a computer program generated them this process is deemed a form of analysis.

Examiner's response, to “ Also recited in element "c" of claim I is training personnel based on the statistical analysis in 20 order to improve the quality of the project. Because no statistical analysis is performed by PT or LIVE, there can be no training of personnel based on the statistical analysis.”. This limitation too is very broad and was reasonably interpreted.

J. *Examiner's response*, Applicant's argument that a model is not a plan is not persuasive and the claim language fails to distinguish itself from prior art of record.

Examiner's response, to “ scheduling a timeline for executing the plan. PT recites assignment information including an estimated completion date and estimated duration of task. For the sake of argument, Applicant may agree that this reads on this portion of element”. The broadest reasonable interpretation has been applied and noted by the Applicant.

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Examiner's response, to a "true timeline" the broad claim language was reasonably interpreted and rejected. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., milestones) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner's response, to " Also claimed in element "d" of claim 1 is tracking the execution of the plan. The status of the 10 original plan and schedule are tracked. PT recites an estimated completion date and an estimated duration of a task. Merely reciting these dates does not allow for status updates associated with a plan."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., status updates to plan) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner's response, to Applicants arguments about, " In addition, reporting information uncovered during tracking is recited in element "d" of claim 1. 15 PT recites an update and modify feature, which reveals the actual completion and the actual resource. The update / modify feature

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merely allows the user to edit basic information in boxes that are defaulted as read only. PT does not report a summarization of information related to tracking.” , The Examiner has reviewed the claim language and the arguments and found the Applicant has argued more than they have claimed.

The Applicant's remaining arguments also argue more than the present claim limitations and were subject to the broadest reasonable interpretation to the claim language. Throughout the Applicant's arguments they had specifically noted the rejection of the Examiner and limitations not found in the present claim language. The current claim language is very high level and conceptual and has been treated accordingly. Examiner suggests adding the limitations argued. Furthermore as noted in the Summary section the Applicant performed a lengthy Information Disclosure Statement (IDS) in an effort to make the case SPECIAL. The scope of the original claim language failed to read on the extensive IDS and failed to distinguish it from the properties of a commercial grade configuration management tools such as Continuous the product used in the rejection. The scope of the claim language should be consistent with the scope of the IDS used to make the case SPECIAL.

Summary

11. Applicant's claimed invention is a very high level language which is reasonably subject to broad interpretation. The Applicant's arguments are not clearly supported by the present claim language. Context of Workflow has not changed with the new claims the development process is

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the Workflow the tool is not claimed as a Workflow tool. The scope of the claim language and the scope of the IDS are not consistent.

New claims 16 - 20 introduce the term "Workflow" which is synonymous with "a project plan". This scope of the claims narrows and new art is introduced. It appears in the Applicant's arguments when they state the rejection of the original claims is "clearly in error, they fail to realize that under the broadest reasonable interpretation of the present claim language they have failed to sufficiently distinguish the claimed invention over the basics of a configuration management tool. The new claims due begin to distinguish the claimed invention.

Applicant is encouraged to read the reference "Software Engineering Concepts" by Richard Fairley published in 1985. This reference represents information that is old and well known.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Todd Ingberg** whose telephone number is **(703) 305-9775**. The Examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Tariq Hafiz** can be reached at **(703) 305-9643**. Any response to this office action should be mailed to: **Commissioner of Patents and Trademarks Washington, D.C. 20231** or **faxed to: (703) 308-9051**, (for formal communications intended for entry) Or: **(703) 308-1396**, (for informal or draft communications, please label "PROPOSED" or "DRAFT") **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist)**.

Todd Ingberg

November 20, 2000

Kakali Chaki
KAKALI CHAKI
PRIMARY EXAMINER